



Vol. 16, No. 1 January, 2008

Lambda Letters Project

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Stereotypes are rarely accurate

By Boyce Hinman, chief lobbyist

There has been a lot of emotional debate surrounding the growing Latino and Latina population of California and the nation. Many people seem to fear that Latino and Latina immigrants will not blend into the culture and that, as a result, our European-based culture will become increasingly "Latinized." Some fear that a growing Latino culture will take over California to the point that it may become necessary for everyone to learn Spanish. Many people therefore support legislation to make English the official language of this state and nation.

In response I would like to say that Spanish culture has much to offer and it is not necessarily a bad thing for Anglos (of which I count myself as one) to learn other languages. However, a fundamental assumption of those who fear the increasing number of Latino/a immigrants is not true. That assumption is that Latino immigrants are not learning English and will not do so, so the rest of us will be forced to learn Spanish to get along. A recent report released by the Pew Hispanic Center indicates that the rate at which Latino and

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Annual meeting announced

Get your proxies in!

By Anne Daniels, secretary

It's almost time for the annual meeting again! The Lambda Letters Project's annual meeting will be held on Saturday, January 19, 2008, starting at 12 noon. You are cordially invited to attend. The meeting will be at:

Shriners Hospital for Children
2425 Stockton Blvd. (between X & Y St.)
Sacramento, CA 95817

If you are unable to attend the meeting, please be sure to sign and return the enclosed proxy form right away. We cannot conduct business unless we have a quorum of one-third of the membership present in person or by proxy.

If you are unsure whether you can attend, please sign and return the proxy anyway. You can revoke your proxy in person if you do end up attending the meeting.



Justice for African Americans

By Boyce Hinman, chief lobbyist

In 1986 Congress passed a law making the penalty for the sale of crack cocaine much higher than for the sale of powder cocaine. Specifically, under the law, the penalty for selling one gram of crack cocaine is the same as selling 100 grams of powder cocaine.

The problem with this federal law is that African Americans account for about 80 percent of the federal crack cocaine convictions. This results from the fact that African American drug abusers typically use crack cocaine, while white drug abusers more often use powder cocaine. This pattern of use, combined with the way the federal law was written, means that most black drug users receive much harsher penalties than white drug abusers do.

Recent actions at the federal level are beginning to correct this injustice. Just last month the Supreme Court said that federal judges have the authority to assess lesser penalties for the sale of crack cocaine than called for by federal law in order to address the disparity in punishments for crack and powder cocaine trafficking. This Supreme Court decision was made with seven

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Lambda Letters progress report

Letters collected

November, 2007 2,428 letters & e-mails
In all of 2007 289,628 letters & e-mails

Dollars spent

September, 2007 \$3,641
In all of 2007 \$50,068

Can you help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Our mission

To promote the social, economic, and human rights of lesbian, gay, bisexual, transgender, and intersex individuals, couples, and families; people affected by HIV/AIDS; people of color; women; and people of low economic status. We urge elected officials to enact and support legislation that accomplishes this goal.

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The Lambda Letters Newsletter is published monthly, except in December, by Lambda Letters Project Inc.
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Send address changes to the Lambda Letters Project address above or e-mail address.change@lambdaletters.org



Discrimination Complaints

Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex?

Have you been denied family and medical care leave or pregnancy disability leave? If so, you may register a complaint with the Department of Fair Employment and Housing.

In cases of employment discrimination, call the department at (800) 884-1684.

In cases of housing discrimination, call (800) 233-3212. The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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HIV/AIDS issue

Fight HIV/AIDS globally

By Lorraine Rinker, legislative analyst

HIV/AIDS is a global issue getting global attention. Numerous initiatives were launched to mark World AIDS Day on December 1 last year as global health advocates called for increased efforts to combat the HIV/AIDS pandemic. Everyone from Pope Benedict XVI to American rapper and actor Ludacris is raising public awareness with the intent of increasing efforts to stop the spread of HIV. Here at home the chairman of the House Committee on Foreign Affairs and our current presidential candidates are all reiterating commitments to invest bigger budgets to fight global HIV/AIDS.

One bill currently on the senate legislative calendar is the African Health Capacity Investment Act of 2007 (S 805). This bill amends the Foreign Assistance Act of 1961, and would assist countries in sub-Saharan Africa in their efforts to strengthen health systems in Africa and ensure that Africans benefit from their right to the highest attainable standard of health.

The World Health Organization (WHO) reports the shortage of health care professionals to be the single greatest obstacle in the fight against HIV/AIDS and other major global health challenges. The WHO estimates that sub-Saharan Africa is suffering an overall shortfall of 1.5 million health care workers, which includes a shortage of more than 800,000 doctors, nurses, and midwives. This shortage in sub-Saharan Africa is particularly acute and is being aggravated by the HIV/AIDS pandemic because an estimated 16% of the existing health care workforce is HIV-positive (source: Physicians for Human Rights, physiciansforhumanrights.org).

S 805 was introduced by senators Richard J. Durbin, Norm Coleman, Russ Feingold, Christopher J. Dodd, John F. Kerry, and Jeff Bingaman, along with an additional 21 original cosponsors. This important piece of global AIDS legislation would authorize \$600 million over three years to train new health care professionals in sub-Saharan Africa. It would also give

Economic justice issue

Expand remedial education

By Rebecca Chamow, legislative analyst

The United States has a long tradition of providing remedial education to ill-prepared students in institutions of higher education. The concept traces its roots to Colonial times when Harvard College provided tutors to its less-prepared students. Many colleges and universities today still offer an array of remedial course work for their students. However, the resources to sustain and expand these programs are dwindling.

A recent Congressional measure, the Bridges from Jobs to Careers Act (HR 4067) introduced by Congresswoman Lynn Woolsey (D-San Rafael), addresses the need to expand opportunities for colleges and universities to provide remedial education to their students. This measure proposes to provide grants to colleges to improve remedial education (including English language instruction), to customize remediation to student career goals, and to help students move rapidly from remediation into for-credit occupation program courses and through to program completion.

Remedial education is an important way to give smart, capable people the opportunity to catch up in specific subject areas where they may be underprepared for college-level course work. Additionally, a 1999 report revealed that minority groups are overrepresented in remedial classes, making these classes an important equalizing factor at the college level.

HR 4067 would provide grants to institutions of higher education where more than half of their first-year students are enrolled in developmental and remedial classes. It would also allow these institutions an opportunity to design more innovative methods for student retention and completion of remedial education courses. This measure would provide the resource to expand these important programs nationwide and give many more students an opportunity to succeed in college.

Please write to your senator in favor of this important legislation.

LGBTI issue

Support an inclusive ENDA

By Shirin Buckman, legislative analyst

Transgender and gender variant people are still widely discriminated against in employment, medical treatment, housing, and a wide variety of other life-sustaining services. In the United States, there is no federal law prohibiting such discrimination. (California does prohibit such discrimination, however.) That is why it is so important to support HR 2015 to include protections for trans individuals.

HR 2015, the Employment Non-Discrimination Act (ENDA), was introduced early in 2007. It prohibits discrimination based not only on sexual orientation but also on gender identity and expression. Eventually the leadership of the House of Representatives decided that this comprehensive bill was unlikely to be approved by the House. So last September they arranged for the introduction of HR 3685. This is a version of ENDA that prohibits only employment discrimination based on sexual orientation. Representative Tammy Baldwin (D-Wis.) introduced an amendment to this version of ENDA to include gender identity and expression, which was not even voted on. Congressional leadership promised to address these provisions at a later time. HR 3685 was ultimately approved by the House of Representatives and sent to the Senate. But HR 2015 was abandoned and left in the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

The transgender community is still widely discriminated against. As a result, it faces a 70% unemployment rate. A 2006 Transgender Law Center study found that 57% of transgender individuals reported being discriminated against in employment, and 60% earned less than \$15,300 per year. Consequently, the costs of public welfare and law enforcement (to discourage illegal practices as a result of unemployment) have skyrocketed.

HR 2015 does not just protect transgender individuals from discrimination. The words "gender expression" protects all individuals, regardless of sexual orientation or gender identity, from discrimination

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This newsletter printed on recycled paper

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Protect communities from hepatitis B

By Marty Martinez, legislative analyst

Approximately 1.4 million Americans are chronically infected with hepatitis B. The number of chronically infected persons in this country is believed to increase each year as new immigrants arrive from areas where it is currently endemic.

Hepatitis B is extremely infectious. In fact, the disease is 100 times more infectious than HIV. The hepatitis B virus (HBV) is transmitted the same way as HIV: from mother to newborn at birth, from infected blood or injections contaminated by infected blood, and from unprotected sex. Chronic hepatitis B usually does not cause any symptoms early in the course of the disease, but after many years of a clinically "silent" phase, as many as 25% of infected individuals may develop end-stage liver disease or liver cancer.

The major burden of hepatitis infection in the United States is from chronic hepatitis B infection. Persons chronically infected with hepatitis B are at higher risk of developing cirrhosis (scarring) of the liver and liver cancer, both of which can lead to premature death. About 5,000 deaths per year in the United States can be attributed to chronic hepatitis B infection.

Chronic hepatitis B infection disproportionately affects certain occupations and populations. Although representing only four percent of the population, Asian Americans and Pacific Islanders account for over half of the 1.4 million chronic hepatitis B cases in this country.

An aggressive program to treat and prevent the disease among communities of color is essential to address the health crisis. HR 3944 by Representative Mike Honda (D-Campbell) addresses this issue by establishing culturally competent programs.

The bill would amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead

Oppose 'fetal pain' awareness measures

By Alexandra Widmann, legislative analyst

"Fetal pain" is an unproven medical hypothesis often used to dissuade young, unprepared women from having abortions. Used as a scare tactic, the idea that fetuses can feel pain during abortions is disturbing to women seeking abortion who otherwise feel they have made the correct choice. This is especially true for younger women who are more likely to consider such information even though they are often less equipped to care for a child.

AB 1009 is a two-year bill that would mandate that all "abortion-providers" make a prescribed oral statement on fetal pain to each patient prior to the surgery. They would also be required to provide additional brochures and literature as part of the Unborn Child Awareness Act. Based on the claim that, 20 weeks after fertilization, fetuses experience pain during abortion, this bill would require that all women having abortions after 20 weeks be subject to these new regulations.

The language of this bill also demands that abortion-providers recommend anesthesia or other pain reducing methods for the fetus. This recommendation is harmful in two ways.

First, such measures are costly and the greater expense of administering anesthesia to the fetus would likely dissuade financially insecure women from aborting if they believed that the fetus would feel pain.

Second, medical professionals such as the American College of Obstetricians and Gynecologists contend that "high doses

to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection.

Please write your representative in Congress today. Urge him or her to cosponsor HR 3944 and address this issue of prime importance to the Asian American and Pacific Islander communities.

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based on an employer's opinion on how someone of a particular sex should "act" or present themselves. That includes "effeminate" men or "butch" women, regardless of sexual orientation.

As Representative Barney Frank (D-Mass.) recommends in his bill analysis of both versions of ENDA, discrimination is contrary to our Constitutional principles. That is why it is so important to move HR 2015 out of the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties. Moving the bill out of committee will also continue the public dialog that we started when many of us opposed the abandonment of the more comprehensive AB 2015. Since this country will soon have a new president, it is crucial for Congress now to push this urgent protection against discrimination. The existing Congressional leadership has the power to educate the new president on the detriment to the country from excluding transgender and gender variant individuals as a protected class in employment discrimination laws.

The Lambda Letters Project encourages its members to educate all members of Congress on this issue, so that Congress can make informed decisions about all the people they represent. Please write your member of the House of Representatives about this important legislation.



of anesthesia needed to ensure a fetus will not have reflex movement puts the mother at risk, and that to give a woman high doses of anesthesia unnecessarily during an abortion is medically unsound, unwarranted and irresponsible."

An additional consideration is that late-term abortions, those occurring after 20 weeks, are rare and usually for extenuating circumstances, such as fetal anomaly or health threats to the mother. These women should not be subject to additional, unproven considerations after making such a difficult choice.

AB 1009 is an irresponsible bill that unnecessarily risks the health of the mother based on unproven medical claims. It is important that you voice your opposition to this bill and urge your representative in the Assembly Health Committee to vote against AB 1009 and to deny its passage.



January legislative update

Laws passed in 2007 and signed by the governor took effect on January 1, 2008, and January 7 marked the first meeting of the California Legislature. Many bills introduced last year did not make it all the way through the legislative process. Some of them were approved by their house of origin and are in the other house. However, some bills had not made it out of their house of origin before the Legislature recessed last September. If those bills have not actually lost a vote in their first house, they can be considered in 2008. However, they must be approved by their house of origin no later than January 31. Bills from last year, not getting out of their house of origin by that date, are dead.

By the way, such bills are called "two-year bills." You can see a list of these bills, and their purposes, on the Lambda Letters website. Direct your browser to lambdaletters.org and click the link at the end of the article called "New: Two-Year Bills."

Legislators can introduce new bills this year. But there is a deadline: Any new bills must be introduced no later than February 22. There is an earlier deadline as well: Legislators must get concepts of their bills to the Legislative Counsel's office no later than January 25. That office takes the legislators' concepts and puts them into bills in the proper legal language.

You may notice that there are only two LGBTI bills in the following list. That is because we and other advocates were so successful in getting these bills sent to the governor. He signed many of them and vetoed others. Another fresh batch of LGBTI bills will be introduced this year and we will start working on them as soon as they are introduced.

Here is a list of the bills we are tracking at this time.

HIV/AIDS issues

We are not currently tracking bills in this area. We will do so as soon as more HIV/AIDS-related bills are introduced.

Economic justice issues

AB 1 (Merv Dymally, D-Compton)

Purpose: To improve children's access to health insurance and delete the citizenship and immigration status requirements to qualify for the Medi-Cal and Healthy Families programs.

Status: Approved by the Legislature but held in the Assembly. Not sent to the governor.

LLP position: Support.

AB 2 (Merv Dymally, D-Compton)

Purpose: To continue a program that provides affordable health insurance to those who are otherwise uninsurable due to medical history.

Status: Placed in the Senate inactive file. Not approved by the Legislature. Not sent to the governor. **LLP position:** Support.

AB 100 (Gene Mullin, D-San Francisco)

Purpose: To authorize a bond issue, if approved by the voters, of \$9.1 million for public grade schools, high schools, colleges, and universities to construct or improve educational facilities.

Status: To be voted on in the Assembly Education Committee on January 9.

LLP position: Support.

AB 184 (Karen Bass, D-Los Angeles)

Purpose: To increase the fees paid to Medi-Cal service providers.

Status: Awaiting a final vote on the Senate floor. **LLP position:** Support.

AB 337 (Mervyn Dymally, D-Compton)

Purpose: To equalize the penalties for the possession, transport, or sale of cocaine base or powder.

Status: In the Assembly Public Safety Committee. Must be approved by all Assembly committees and the full Assembly by January 31 or it is dead.

LLP position: Support. Currently the penalty connected with cocaine base is higher. Cocaine base is more commonly used by people on a limited income, while powder is more often used by wealthier addicts.

AJR 3 (Merv Dymally, D-Compton)

Purpose: To ask Congress and the president to increase funds for the Low Income Energy Assistance Program.

Status: Referred to the Assembly Utilities and Commerce Committee. No hearing date set yet. **LLP position:** Support.

SB 32 (Darrell Steinberg, D-Sacramento)

Purpose: To allow all California children whose family income is under 300% of the federal poverty level to have access to the Medi-Cal and Healthy Families programs. It would also eliminate the rules that deny coverage to some based on citizenship or immigration status.

Status: Placed in the Assembly inactive file. **LLP position:** Support.

SB 42 (Tom Torlakson, D-Concord)

Purpose: To qualify for CalWORKs public assistance, people must be engaged in work activities, with certain exceptions, unless they are enrolled in an approved education program. This bill would also exempt them from work if they have applied

Reading Study Participants Needed

UC Davis Adult Development Lab is currently searching for adults between the ages of 18 and 80 to participate in a study on reading comprehension.

The study will begin in January 2007 consisting of two 2-hour sessions each being scheduled one week apart. English must be your native language.

The Lambda Letters Project is searching for participants who are willing to take part in the study and donate the \$40 stipend provided by UC Davis to help us achieve our mission.

Please contact Myeva Thierry at 916.444.8501 or e-mail Allp1234@aol.com to sign up and receive additional information.

Legislative update

Continued from page 5

for, but not yet been accepted by, an approved education program.

Status: Placed in the Assembly inactive file.

LLP position: Support.

SB 840 (Sheila Kuehl, D-Santa Monica)

Purpose: To establish a single-payer health insurance program (where the state collects funds from various sources and then pays all medical bills), which would provide affordable health insurance to every person in California.

Status: Awaiting a vote in the Assembly Appropriations Committee. No hearing date set yet. **LLP position:** Support.

SB 999 (Leland Yee, D-San Francisco)

Purpose: To allow for the possibility of parole if a person convicted of murder was under the age of 18 at the time of the murder.

Status: Placed in the Senate inactive file. Must be approved by the full Senate by January 31 or it is dead.

LLP position: Support.

LGBTI issues

AB 250 (Chuck DeVore, R-Irvine)

Purpose: To allow the owner of real property to complete a brief document transferring the property to another person upon the death of the owner. The property transferred would not have to go through the expensive, lengthy probate process.

Status: Now in the Senate Judiciary Committee. No hearing date set yet.

LLP position: Support. If passed, this law could help many same-sex couples.

People of color issues

AB 512 (Sally Lieber, D-Mountain View)

Purpose: To require that when a businessperson negotiates specified loans or extensions of credit primarily in the languages of Spanish, Chinese, Tagalog, Vietnamese, and Korean, that person must also provide summaries of the loan or credit documents in those languages.

Status: Now in the Senate Banking Committee. No hearing date set yet.

LLP position: Support.

ACR 21 (Anthony Portantino, D-La Cañada Flintridge)

Purpose: To urge the regents of the University of California to establish a student exchange program, or another form of academic partnership, between one or more campuses of the University of California and one or more of the institutions that are classified as historically black colleges and universities.

Status: Failed in the Senate Appropriations Committee. **LLP position:** Support.

SB 60 (Gil Cedillo, D-Los Angeles)

Purpose: To allow the state to issue driver's licenses to certain undocumented immigrants when approval of that action is approved by the federal government as allowed under the federal real ID act.

Status: Placed in the Assembly inactive file. Awaiting a final vote in the Assembly.

LLP position: Support.

Women's issues

AB 225 (Jim Beall, D-San Jose)

Purpose: To reduce the number of harassing phone calls to another person that is

required to trigger penalties for making harassing phone calls. It would make the law tougher on those who harass others.

Status: Approved by the Assembly.

Referred to the Senate Public Safety Committee. No hearing date set yet.

LLP position: Support.

AB 268 (Charles Calderon, D-Montebello)

Purpose: To excuse from testifying in court people who attend the hearing but refuse to testify because of intimidation by one of the parties to the court case.

Status: Now in the Senate Judiciary Committee. No hearing date set yet.

LLP position: Support.

AB 1275 (Mark DeSaulnier, D-Concord)

Purpose: To allow counties to increase fees for copies of marriage certificates, birth certificates, and death records for the purpose of funding governmental oversight and coordination of domestic violence prevention, early intervention, and prosecution efforts in the county—up to a maximum increase of \$4.

Status: Approved by the Assembly. Sent to the Senate Local Government Committee.

No hearing date set yet.

LLP position: Support.

AB 1679 (Noreen Evans, D-Santa Rosa)

Purpose: To amend current law to allow attorney's fees to be included in support payments due to a child in a divorce or separation case.

Status: Approved by the Assembly.

Referred to the Senate Judiciary Committee. Hearing cancelled by the author. No new hearing set yet.

LLP position: Support.

ACR 15 (Sally Lieber, D-Mountain View)

Purpose: To commemorate January 2007 as Cervical Cancer Awareness Month.

Status: Introduced.

LLP position: Support.

SB 265 (Gloria Romero, D-Los Angeles)

Purpose: To state that the Division of Juvenile Justice shall explore options to provide programming for female offenders outside of division facilities. On or before January 1, 2009, the division shall transfer all female offenders out of division facilities.

Status: Placed in the Assembly inactive file.

LLP position: Support.

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Sad news on the federal hate crimes bill

By Boyce Hinman, chief lobbyist

Many of us were heartened by the fact that hate crimes bills protecting lesbians, gays, bisexuals, and transgender people were passed by both houses of Congress earlier this year.

However, the Senate and House of Representatives passed different versions of the bill. That meant that a House-Senate Conference Committee would have to meet and come up with a compromise bill for both houses to vote on. It now appears that there will be no bill at all.

The bill was called the Matthew Shepard Hate Crimes Bill. That name was to commemorate Matthew Shepard who was brutally murdered in Laramie, Wyoming, in 1998. His attackers killed him because he was gay.

President Bush had announced that he would veto the hate crimes bill.

There had been a plan to attach the bill to a military appropriations bill. It was thought that the president would not veto that appropriations bill. He does not have the authority to veto just part of any bill. Thus, if the hate crimes bill were attached to the military appropriations bill, the hate crimes bill would have become the law of the land.

Unfortunately, the Democratic leadership in the House of Representatives decided not to try this tactic. They claimed that too many liberals would be unwilling to vote for the military appropriations bill, and too many conservatives would be unwilling to vote for it if it included a ban on hate crimes against the LGBTI community.

The combined bill might have been approved by both houses of Congress. But it was felt it would not be possible to get the two-thirds vote needed in the House of Representatives to overturn a likely veto by the president.

The political process is really very frustrating!

HIV/AIDS issue *Continued from page 3*

them incentives to stay in their home countries to fight the AIDS pandemic and address other pressing health issues, such as tuberculosis, malaria, and maternal and child health. S 805 would be the first piece of legislation passed to address Africa's health workforce crisis.

The benefit of this legislation is that it would develop and improve the health care sectors of sub-Saharan African economies by:

- ◆ Developing and implementing workforce plans, fiscal and personnel management systems, and computerized workforce databases
- ◆ Recruiting and training health care workers
- ◆ Improving health care facilities and infrastructure, especially in rural and underserved areas
- ◆ Establishing a global clearinghouse to share knowledge regarding human resources for health care

To ensure these resulting benefits are sustainable, S 805 requires the president to establish a monitoring and evaluation system to measure the effectiveness of these undertakings and to transmit to Congress a strategy for coordinating, implementing, and monitoring United States assistance programs for human health care capacity in sub-Saharan Africa. One year after submission of the strategy, the president would be required to provide Congress with a report on the implementation of the strategy and a document assessing best practices to be shared with governments of developing countries and others seeking to promote health capacity.

World AIDS Day has come and gone for the year, but its global advocates remain. If the international community is seriously committed to reaching universal access to prevention, treatment and care, governments (including ours) must show leadership in addressing this health workforce crisis. The passage of S 805 can make the US a part of the solution. 

Stereotypes are rarely accurate

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Latino immigrants are learning English parallels that of previous waves of immigrants.

According to the report, fewer than one in four (23%) of first-generation Latino immigrants believe that they converse in English "very well." Pew researchers reported further that this assessment jumps dramatically in the second and third generations—the children and grandchildren of immigrants—to percentages which indicate a universal command of English among those groups. The survey was based on more than 14,000 interviews of adult Latinos over four years.

The study found that today's Latino and Latina immigrant families are following the same general pattern as previous ethnic groups: The longer that first-generation immigrants live here, the more education they get, and the younger they were when they arrived, the more English they speak.

Indeed, most Latino immigrants (67%) report that they use at least some English at work. Only 28% say they speak just Spanish on the job. About 11% of adult children of Latino immigrants speak only Spanish at home, while just 6% of the children of US-born Latinos speak only Spanish in their homes—a sign that Spanish fades just as mother tongues did for the offspring of previous immigrants to the United States. So the fear that Spanish will overcome English as the dominant language or culture is simply not true.

Another common stereotype about Latino/a immigrants is that many, if not most, of them end up on public assistance, so they are a drag on the economy. A recent report in the New York Times demonstrates the inaccuracy of that stereotype. The article reported the findings of the Fiscal Policy Institute, which found that immigrants contributed \$229 billion (or 22.4%) of New York state's gross domestic product in 2006.

According to a recent report of the Center for Immigration Studies, in 2005 there were roughly 9,984,000 immigrants in California, representing 27.8% of the state's population. At the same time there were roughly 3,900,000 immigrants in New York State, or roughly 20.5% of their population. (Source: "Immigrants at Mid-Decade: A Snapshot of America's Foreign-Born Population in 2005," Center for Immigration Studies, 2005). So it seems plausible that

Justice for African Americans

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justices voting for it and two dissenting from the majority decision. This is a surprising and gratifying decision considering the current makeup of the court.

The United States Sentencing Commission has been issuing rulings on this same issue. In a recent statement, the commission said that it "unanimously and firmly concludes that the various congressional objectives can be achieved more effectively by decreasing substantially the 100-to-1 drug quantity ratio." It recommended that Congress substantially increase the number of grams of crack cocaine in a sale that would trigger the higher penalties under federal law. This would substantially reduce the disparity in punishment between African American and white offenders.

The bipartisan commission is an independent agency in the judicial branch of the federal government. It was organized in 1985 to develop national sentencing policy for the federal courts. The resulting sentencing guidelines help to ensure that similar offenders who commit similar offenses receive similar sentences.

In an annual report sent to Congress in May 2007, the commission announced that it had amended federal sentencing guidelines to lower the sentences imposed on people convicted of federal crack cocaine offenses. In a decision made on December 11, 2007, the commission made its earlier decision retroactive. This means that its new guidelines apply to those already in jail for selling cocaine.

The combined effects of the Supreme Court decision and the commission's decisions are that federal courts may be giving sellers of crack cocaine sentences that are more similar to those given to sellers of powder cocaine, and some

convicted sellers of crack cocaine may be having their sentences reduced. So some may be getting out of jail earlier than expected. However, when considering an early release, the courts will be allowed to consider whether the offender poses a current threat to society. If so, the courts can decide on a case-by-case basis not to release the prisoner early. At any rate, this may address at least some of the previous injustices to African Americans.

Unfortunately, there have been similar disparities in cocaine penalties in California state laws. For several years Assemblyman Merv Dymally (D-Compton) introduced bills to equalize the penalties for the sale of the two forms of cocaine. So far he has not succeeded in getting them passed. Last year he introduced AB 337 to do the same thing. It was scheduled for a vote in the Assembly Public Safety Committee but he cancelled the vote when it became apparent that the bill would be defeated in the committee.

The bill is still alive and he will probably move it again. You can be sure that Lambda Letters will be supporting this important bill.



immigrants may contribute more to California's economy than they do to the state of New York.

We hear a lot these days about the difficulties in our economy. We should be grateful to the contributions made by immigrants to the economy. And it is clear that the stereotype that immigrants are a drag on the economy just is not true.

So here's to a peaceful, prejudice-free New Year!

